

REMARKS

Claims 1-31 are pending in the present application. Claims 1-31 were not amended. A terminal disclaimer is included herewith to obviate the double-patenting rejection. Reconsideration of the claims is respectfully requested.

35 U.S.C. 103, OBVIOUSNESS

Examiner rejected Claims 1-2, 6, 9, 13-14 under 35 U.S.C. §103(a), as being unpatentable over DePolo, et. al. (USPN 4,652,369) in view of Mendelow (USPN 3,513,981).

Applicant respectfully traverses the rejection of Claims 1-2, 6, 9, and 13-14 under 35 U.S.C. §103(a).

The Office Action states:

Regarding Claim 1, DePolo discloses a backwash, flushing filter assembly (Fig. 1, #10) comprising: a header assembly (#22) wherein the header assembly includes a cylinder cap, a cylinder base with threaded connector means (Fig. 2, #52) disposed within the interior circumference of the cylinder base, a fluid inlet connect (#20) and a filtered fluid outlet connect (Fig. 1, #58); a filter element assembly which is releasably connected to the rotatable valve assembly wherein the filter element assembly includes, a filter stalk (Fig. 2, #44) with filter ports (#45) formed in the filter stalk, and a filter media (#51) disposed around the exterior of the filter stalk; and a filter housing assembly (#24) which is releasably connected to the header assembly wherein the filter housing assembly includes a filter housing (#26) and a backwash drain port (#34). DePolo discloses a rotatable valve assembly (Col. 1, Lines 64-68) but does not describe all its elements. Mendelow discloses a rotatable valve assembly (Fig. 8, #14, 19) which is slidably connected to the header assembly (#11) wherein the rotatable valve assembly includes an interior chamber with a backwash fluid inlet port (#17), a filtered fluid outlet port (#24), at least one seal gasket (#20). It would have been obvious to one of the ordinary skill in the art to modify DePolo by adding the element of Mendelow because they are both multiport valves used on filter tanks.

Regarding Claim 2, DePolo discloses that the header assembly and filter housing assemblies are detachably connected via threaded connects (#52, 36).

Regarding Claim 6, DePolo discloses a lower filter coupler (#48).

Regarding Claim 9, DePolo discloses that the lower end of the filter stalk is releasably connected to the lower filter coupler (Col. 3, Lines 66-68).

Regarding Claim 13-14, DePolo does not disclose the shape of the stalk ports. It would have been obvious to one of ordinary skill to make the shape of the ports dependant on the material being filtered.

Regarding Claim 16, DePolo discloses a method for backwashing an inline filter assembly comprising the steps of: providing the filter assembly; directing a fluid into the filter assembly; filtering the fluid through a filter media disposed on the exterior surface of a filter stalk; turning the rotatable valve assembly which results in the reversal of fluid flow through the filter stalk; removing the debris on the filter media and at the bottom of the filter (*sic*) housing assembly via the backwash drain port (Col. 3, Lines 41-56).

Applicant submits that it would not have been obvious to one of ordinary skill in the art to modify DePolo by adding the rotatable valve assembly of Mendelow simply because the filters in both references mention multiport valves. Unlike the filter assembly in Applicant's claims 1-2, 6, 9, and 13-14, which is designed to allow a backwashing flow to exit the filter housing at the bottom of filter assembly without returning to a top-mounted rotatable valve assembly, the filters of DePolo and Mendelow are designed such that a backwash flow, before exiting such filters, must circulate throughout the filters and rise upwards to return to the header/valve assemblies. Whereas Applicant's device requires, as set forth in claims 1-2, 6, 9, 13-14 and lines 2-4 of page 10 of Applicant's Specification, that the backwash drain port be located at the bottom of the filter housing for discharging unwanted debris through the bottom of the device, DePolo and Mendelow both discharge their backwash flows through their valve assemblies at the top of their filters. (*See DePolo* at col. 3, lines 41-46 together with Figures 1 and 2 (teaching that "when [backwash] occurs, valve 22 is rotated to a 'backwash' or regenerate position for a short period of time . . . in which water will flow from pump 12 and fitting 20 directly to fitting 52 and into tube 44. Internal porting within valve 22 connects fitting 54 to a drain line 60"); *Mendelow* at col. 2, line 63 through col. 3, line 2, together with Figure 8 (teaching that "the reverse flow passes up through the filter 26 and out the top of the filter 26 into the first peripheral chamber 10, into the third peripheral chamber 23 and out the waste port 24"))).

The cited references clearly teach away from Applicant's placement of the backwash fluid discharge port, which simplifies the valve assembly atop the filter. Section 2143.01 of the MPEP mandates that "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (Patentee taught the device required rigidity for operation, whereas the claimed invention required resiliency)." Thus, one of ordinary skill in the art would

not be motivated to make the changes proposed by the Examiner, as both references teach away from Applicant's invention.

Moreover, the rotatable valve assembly of Mendelow is not properly combinable with the DePolo filter assembly, as each is designed with a different means for returning backwash fluid to the top of the filter. The filter assembly of DePolo sends backwash fluid down to the bottom of the filter before routing such backwash fluid externally and up into the valve assembly for discharge of the unwanted fluid/debris (as shown in Figure 1 (#56) of DePolo). In contrast, the rotatable valve assembly of Mendelow requires that a backwash fluid travel internally from the bottom of the filter upwards to the valve assembly for discharge (as shown in Figure 8 of Mendelow). Therefore, it would not have been obvious to one of ordinary skill in the art to have combined the two references. Section 2143.01 of the MPEP states that "[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *See also In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)(if the French device were turned upside down, it would be rendered inoperable for its intended purpose of filtering gasoline). Thus, it would not have been obvious to one of ordinary skill in the art to modify DePolo with the teachings of Mendelow to arrive at Applicant's claimed invention.

Regarding Claim 2, DePolo fails to teach or suggest all elements of Claim 1 and all of the aforementioned arguments directed to Claim 1 are incorporated herein. Also, DePolo does not disclose that the header assembly and filter housing assemblies are detachably connected via threaded connects (#52, #36). In fact, a word search throughout the DePolo specification for "threaded" or "thread" yielded no result or mention of same. Applicant respectfully request withdrawal of the rejection of Claim 2.

Regarding Claim 6, DePolo fails to teach or suggest all elements of Claim 1 as explained above. Also, DePolo fails to teach or suggest a lower filter coupler (#48). Applicant respectfully request withdrawal of the rejection of Claim 6.

Regarding Claim 9, DePolo fails to teach or suggest all elements of Claim 1 as explained above. Also, DePolo fails to teach that the lower end of the filter stalk is releasably connected to the lower filter coupler (Col. 3, Lines 66-68). Applicant respectfully request withdrawal of the rejection of Claim 9.

Regarding Claim 13-14, DePolo fails to teach or suggest all elements of Claim 1 as explained above. DePolo also fails to teach the shape of the stalk ports. Applicant respectfully request withdrawal of the rejection of Claims 13-14.

Regarding Claim 16, DePolo fails to teach or suggest all elements of Claim 16. Specifically, DePolo does not teach or suggest “removing the debris on the filter media at the bottom of the filter housing assembly via the backwash drain port” (Col. 3, Lines 41-56). In contrast, DePolo teaches that a backwash fluid is discharged to a drain via its valve assembly at the top of the filter device (Figure 1, Col.3, lines 54-56). Applicant respectfully request withdrawal of the rejection of Claim 16.

Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over DePolo in view of Mendelow as applied to Claim 1 above, and further in view of Morris, U.S. Patent No. 5,057,214.

Applicant respectfully traverses this rejection. The Office Action states:

Regarding Claims 3 and 15, DePolo in view of Mendelow does not disclose a clip. Morris teaches valve for a fluid filtration system including a clip (Fig. 2, #28). It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the element of Morris because it is a means of securing that is common in the filter art.

Applicant submits that it would not have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the clip element of Morris. As explained above, the teachings of DePolo and Mendelow are not properly combinable, and even if they were, it would not have been obvious to combine them. Moreover, Morris relates to a different type of filtration system and the clip (#28) used in Morris is used merely to secure a cover plate below the spool valve (#30) and support rod (#31). Unlike the Applicant’s claims 3 and 15, which require that a set clip be positioned to secure the rotatable valve assembly, the clip (#28) in Morris does not fix the position of the spool valve (#30) or support rod (#31), and the spool valve (#30) and support rod (#31) in Figures 2 and 3 are clearly shown to move independently of the cover-plate clip (#28). Applicant respectfully request withdrawal of the rejection of Claims 3 and 15.

Claims 4-5, 17, and 19 rejected under U.S.C. 103(a) as being unpatentable over DePolo in view of Mendelow as applied to Claim 1 above, and further in view of Chandler, et. al., U.S. Patent No. 4,515,692.

Applicant respectfully traverses this rejection. The Office Action states:

Regarding Claim 4, DePolo discloses a turn knob (Fig. 1) but does not disclose a turn guide slot. Chandler teaches a turn knob (Fig. 1, #45) and a turn guide slot (#46, 47) formed on the exterior of the rotatable valve assembly (#4). It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the element of Chandler in order to limit the accurate movement of the knob. (Col. 5, Lines 39-41).

Regarding Claim 5, DePolo in view of Mendelow does not disclose a top filter coupler. Chandler teaches a rotatable valve assembly including a top filter coupler (Fig. 5, #49). It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the element of Chandler in order to slidably receive and frictionally engage the filter stalk (Col. 5, lines 48-52).

Regarding Claim 17, DePolo in view of Mendelow does not disclose turning the rotatable valve assembly by one-quarter. Chandler teaches that the backwash operation is accomplished by a one-quarter turn of the rotatable valve assembly (Col. 6, Lines 62-66). It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the element of Chandler in order to change the porting of the water filter unit (Col. 6, Lines 66-68).

Regarding Claim 19, DePolo in view of Mendelow does not disclose turning the rotatable valve assembly by one-quarter. Chandler teaches that the backwash operation is terminated by turning the rotatable valve assembly by an opposite one-quarter turn resulting in the resumption of filter operation (Col. 7, Lines 43-46). It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the element of Chandler in order to prepare the filter for normal use (Col. 7, Lines 46-47).

Applicant submits that it would not have been obvious to one of the ordinary skill in the art to combine the teachings of Chandler with DePolo in view of Mendelow to arrive at Applicant's Claims 4-5, 17, and 19. As explained above, the teachings of DePolo and Mendelow are not properly combinable, and even if they were, it would not have been obvious to combine them. Moreover, Chandler is not properly combinable with DePolo or Mendelow, as DePolo's valve assembly applied to DePolo and/or Mendelow would result in a device that would send unwanted backwash fluid directly into lines intended solely for purified fluid. As shown in

Figure 1 and described in Chandler (Col. 2, lines 47-50) “the effluent line from the filtration unit performs both as a service line and as a backwash drain line.” Such an arrangement is incompatible with the valve assemblies of DePolo and Mendelow, which provide a separate, dedicated line for backwash fluid.

Section 2143.01 of the MPEP states that “[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” See also *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)(if the French device were turned upside down, it would be rendered inoperable for its intended purpose of filtering gasoline). Thus, it would not have been obvious to modify DePolo in view of Mendelow and Chandler to arrive at Applicant’s claimed invention in claims 4-5, 17, and 19. Applicant respectfully request withdrawal of the rejection of Claims 4-5, 17 and 19.

Claims 10-12 rejected under 35 U.S.C. 103(a) as being unpatentable over DePolo in view of Mendelow as applied to Claim 1 above, and further in view of Roussel, U.S. Patent No. 5,118,418.

Applicant respectfully traverses this rejection. The Office Action states:

Regarding Claims 10-12, DePolo in view of Mendelow does not disclose a gasket stem, gasket seal, or gasket cap. Roussel teaches a gasket seal (Fig. 2, #17) placed around the gasket stem (#18) and detachable secured thereto by a gasket cap (Fig. 4, #19). It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the element of Roussel in order to provide a snug fit of the gasket seal (Col. 3, Lines 20-24). It would also been obvious to connect the gasket stem and the gasket cap by treaded means because it is a means of securing that is common in the filter art.

Applicant submits that it would not have been obvious to one of ordinary skill in the art to combine the gasket seal of Roussel with the teachings of DePolo in view of Mendelow to arrive at Applicant’s Claims 10-12. As explained above, the teachings of DePolo and Mendelow are not properly combinable, and even if they were, it would not have been obvious to combine them. Moreover, there is no suggestion in Roussel or in any other reference to modify the multi-ported, perimeter-type gasket seal (#17) of Roussel to arrive with the gasket seal (#46) of Applicant’s

invention in claims 10-12. The Roussel gasket seal comprises a thin sealing strip surrounding the perimeter of the multiple ports and the circular platter, forming a complicated, fragile shape. In contrast, Applicant's gasket seal (#46) is a simple broad, washer-shaped seal. In fact, the complicated Roussel gasket seal could not be properly held in place in the Applicant's invention, thus nullifying its sealing ability.

Section 2143.01 of the MPEP states that "[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *See also In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)(if the French device were turned upside down, it would be rendered inoperable for its intended purpose of filtering gasoline). Thus, it would not have been obvious to one of ordinary skill in the art to modify Roussel with the teachings of DePolo and Mendelow to arrive at Applicant's claimed invention. Applicant respectfully request withdrawal of the rejection of Claims 10-12.

Claims 7-8, 16, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over DePolo in view of Mendelow as applied to Claim 1 above, and further in view of Brett, U.S. Patent No. 3,834,537.

Applicant respectfully traverses this rejection. The Office Action states:

Regarding Claim 7, DePolo in view of Mendelow does not disclose locking pins. Brett teaches a rotatable valve assembly (Fig. 3, S) including locking pins (Fig. 4, #89, 98). It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the element of Brett because it is a means of securing that is common in the filter art.

Regarding Claim 8, DePolo in view of Mendelow does not disclose locking tabs. Brett teaches a rotatable valve assembly (Fig. 3, S) including locking tabs (Fig. 8, #94). It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the element of Brett because it is a means of securing that is common in the filter art.

Regarding Claim 18, DePolo discloses that the collected solids are removed via the backwash drain filter port during the backwash operation (Col. 3, lines 51-56) but does not disclose the filter element assembly being separated from the lower filter coupler gasket. Brett teaches a seal (Fig. 12, #104) being separated from contact with a filter element. It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the element of Brett in order to assist in sealing and respond to water flow (Col. 8, Lines 15-28).

Applicant submits that it would not have been obvious to one of ordinary skill in the art to combine the teachings of Brett with DePolo in view of Mendelow to arrive at the invention in Applicant's Claims 7-8, 16, and 18. As explained above, the teachings of DePolo and Mendelow are not properly combinable, and even if they were, it would not have been obvious to combine them. Moreover, there is no suggestion in DePolo, Brett or in any other reference to modify DePolo using the teachings of Brett. Brett relates to packed-bed-type filters, whereas DePolo relates to fabric/cloth-type filters. Furthermore, Brett does not teach the Applicant's problem or its source and therefore may not properly form the basis of a rejection.

The present invention relates to the problem of removing solids that, over time, collect at the filter bottom, as well as solids retained on an upright filter medium. As explicitly stated in Applicant's Specification lines 17-19, page 2, "In order to return the filter and the system to peak operating efficiency, the solids which are retained by the filter must be removed from the filter, along with the sedimentation located at the bottom of the filter assembly." Similarly, the Applicant's Specification states in lines 3-6, page 4, "It is further an object of this invention to provide a backwashable filter assembly . . . which results in the removal of solids from the filter media and the removal of sedimentary solids which have collected at the bottom of the filter assembly." Brett clearly teaches away from Applicant's invention. The Brett filtering apparatus, as described in the Abstract, is designed to "avoid turbulence and undue disruption of the filter medium," a problem which is unique to packed-bed-type filters. One of ordinary skill in the art therefore would not be motivated to modify Brett's apparatus and/or method for promoting the settlement of particles at the bottom of a filter housing to solve the problem confronted by Applicant's invention. Consequently, it would not have been obvious to combine the teachings of Brett with those of DePolo or Mendelow. Applicant respectfully request withdrawal of the rejection of Claims 7-8, 16 and 18.

Claims 20-26 rejected under 35 U.S.C. 103(a) as being unpatentable over DePolo in view of Morris, Mendelow, and Chandler.

Applicant respectfully traverses this rejection. The Office Action states:

Regarding Claim 20, DePolo discloses a backwash, flushing filter assembly (Fig. 1, #10) comprising: a header assembly (#22) wherein the header assembly includes a cylinder cap, a cylinder base with threaded connector means (Fig. 2, #52) disposed within the interior circumference of the cylinder base, a fluid inlet connect (#20), a filtered fluid outlet connect (#58); a filter element assembly which is releasably connected to the rotatable valve assembly wherein the filter element assembly includes a lower filter coupler (#48); a filter stalk (Fig. 2, #44) with filter ports (#45) formed in the filter stalk, and a filter media (#51) disposed around the exterior of the filter stalk; and a filter housing assembly (#24) which is releasably connected to the header assembly wherein the filter housing assembly includes a filter housing (#26) and a backwash drain port (#34). DePolo does not disclose a set clip. Morris teaches valve for a fluid filtration system including a clip (Fig. 2, #28). It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the element of Morris because it is a means of securing that is common in the filter art.

Mendelow discloses a rotatable valve assembly (Fig. 8, #14, 19) which is slidably connected to the header assembly (#11) wherein the rotatable valve assembly includes an interior chamber with a backwash fluid inlet port (#17), a filtered fluid outlet port (#24). Mendelow does not disclose a top filter coupler or a turn slot. Chandler teaches a rotatable valve assembly including a top filter coupler (Fig. 5, # 49) and a turn guide slot (#46, 47). It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Mendelow by adding the element of Chandler in order to slidably receive and frictionally engage the filter stalk (Col. 5, Lines 48-52) and limit the accurate movement of the knob (Col. 5, Lines 39-41).

DePolo in view of Morris does not disclose a rotatable valve assembly. It would have been obvious to one of ordinary skill in the art to modify DePolo in view of Morris by adding the element of Mendelow in view of Chandler because they are both multiport valves used on filter tanks.

Regarding Claim 21, Chandler discloses that the rotatable valve (Fig. 2, #4) is secured to the filter stalk (#17) within the filter housing (#2) but does not disclose a clip. Morris teaches a clip (Fig. 2, #28) inserted through a slot (#22) in the cap (#14). It would have been obvious to one of ordinary skill in the art to modify Chandler by adding the element of Morris because it is a means of securing that is common in the filter art.

Regarding Claim 22, Chandler discloses that the rotation of the rotatable valve assembly results in the axial movement of the rotatable valve assembly and filter element assembly (Col. 5, Lines 34-52).

Regarding Claim 23-24, DePolo discloses that the rotation of the rotatable valve assembly reverses the direction of fluid flow through the filter assembly and

flushes the collected solids from the bottom of the filter housing assembly (Col. 3, Lines 15-56).

Regarding Claim 25, DePolo discloses a lower filter coupler but does not disclose slots. Chandler discloses performed slots to assist in the capture of accumulated solids (Fig. 2, #18). It would have been obvious to one of ordinary skill in the art to modify DePolo by adding the element of Chandler in order keep the opening clear (Col. 6, Lines 51-54).

Regarding Claim 26, DePolo discloses that the lower filter coupler is removably connected to the filter stalk (Col. 3, Lines 66-68),

Applicant submits that it would not have been obvious to one of ordinary skill in the art to modify DePolo in view of Chandler, Mendelow, and Morris to arrive at Applicant's claims 20-26. As explained above, the teachings of DePolo and Mendelow are not properly combinable, and even if they were, it would not have been obvious to combine them. Moreover, Chandler is not properly combinable with DePolo or Mendelow, as DePolo's valve assembly applied to Chandler and/or Mendelow would result in a device that would send unwanted backwash fluid directly into lines intended solely for purified fluid. As shown in Figure 1 and described in lines 47-50 of column 2 of Chandler, "the effluent line from the filtration unit performs both as a service line and as a backwash drain line." Such an arrangement is incompatible with the valve assemblies of DePolo and Mendelow, which provide a separate, dedicated line for backwash fluid. Section 2143.01 of the MPEP states that "[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." Thus, it would not have been obvious to modify DePolo in view of Mendelow and Chandler to arrive at Applicant's claimed invention in claims 20-26. Applicant respectfully request withdrawal of the rejection of Claims 20-26.

Furthermore, Morris relates to a different type of filtration system, and the clip (#28) used in Morris is used merely to secure a cover plate below the spool valve (#30) and support rod (#31). Unlike the Applicant's invention, which uses a set clip to secure the rotatable valve assembly (*see*, for example, claim 21), the clip (#28) in Morris does not fix the position of the spool valve (#30) or support rod (#31), and the

spool valve (#30) and support rod (#31) in Figures 2 and 3 are clearly shown to move independently of the cover-plate clip (#28).

For these reasons, it would not have been obvious to one of ordinary skill in the art to modify DePolo in view of Chandler, Mendelow, and Morris to arrive at Applicant's claims 20-26. Applicant respectfully request withdrawal of the rejection of Claims 20-26.

Claims 27-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Morris.

Applicant respectfully traverses this rejection. The Office Action states:

Regarding Claim 27, Morris discloses a clip (#28) and a header assembly (#10) assembled to a filter media (#12). Morris does not disclose that the header assembly is attached to the filter by a clip but it would have been obvious to join the elements by such means because it is a removable method of securing that is common in the filter art. Although he does not disclose a filter assembly it would have been obvious to one of ordinary skill in the art that replaceable granular activated carbon bed filter (Col. 2, Lines 19-24) would need to be inside a filter assembly.

Regarding Claim 28-30, Morris discloses that the replacement of the filter is accomplished without detaching the influent pipe, effluent pipe, or backwash drain pipe (Col. 2, Lines 24-32).

Applicant submits that it would not have been obvious to one of ordinary skill in the art to modify the teachings of Morris to arrive at Applicant's claims 27-30. As explained above, Morris relates to a different type of filtration system, and the clip (#28) used in Morris is used merely to secure a cover plate below the spool valve (#30) and support rod (#31). Unlike the Applicant's invention, which uses a set clip to secure the rotatable valve assembly, the clip (#28) in Morris does not fix the position of the spool valve (#30) or support rod (#31), and the spool valve (#30) and support rod (#31) in Figures 2 and 3 are clearly shown to move independently of the cover-plate clip (#28).

For these reasons, it would not have been obvious to one of ordinary skill in the art to modify Morris to arrive at Applicant's claims 27-30. Applicant respectfully request withdrawal of the rejection of Claims 27-30.

Claim 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Roussel.

Applicant respectfully traverses this rejection. The Office Action states:

Morris does not disclose a filter stalk. Roussel teaches a filter media which includes the filter stalk (Fig. 4, #48). It would have been obvious to one of ordinary skill in the art to modify Morris by adding the element of Roussel in order to direct fluid flow (Col. 3, Lines 50-53, 63-68).

Applicant submits that it would not have been obvious to one of ordinary skill in the art to modify the teachings of Morris in view of Roussel to arrive at Applicant's claim 31. Neither reference, alone or in combination, discloses each and every element or its equivalent in Applicant's claim 31, which includes the steps: a) removing a set clip from a header assembly; b) pulling a filter element assembly out of a filter assembly; c) replacing the filter media; d) inserting the filter element assembly into the filter assembly; and e) inserting the set clip into the header assembly. Roussel does not teach or suggest the use of a set clip for securing a header assembly, and Morris does not teach or suggest a filter stalk as part of the filter media.

Even if such elements were taught by those references, it would not have been obvious to one skilled in the art to combine the two references, as Roussel and Morris deal with substantially different types of filters. Roussel deals with vertical, perforated-sheet type filter media, whereas Morris relates to carbon-particle-bed-type filters. Particle-bed-filter references teach that it is desirable for the particles to settle at the bottom of the filter, whereas sheet-type-filter references teach the turbulent flow of fluid through the filter media to being the undesired particles to be filtered into contact with the filter media. Thus, it would not have been obvious to combine the teachings of the two references.

Furthermore, as previously explained, the clip element (#28) used in Morris is used merely to secure a cover plate below the spool valve (#30) and support rod (#31). Unlike the Applicant's filter device and method, which require that a set clip be positioned to secure the rotatable valve assembly, the clip (#28) in Morris does not fix the position of the spool valve (#30) or support rod (#31), and the spool valve

(#30) and support rod (#31) in Figures 2 and 3 are clearly shown to move independently of the cover-plate clip (#28). Thus, it would not have been obvious to one of ordinary skill in the art to modify Morris or Roussel to arrive at Applicant's claimed invention in claim 31. Applicant respectfully request withdrawal of the rejection of Claim 31.

Double Patenting Rejection

Claims 1-31 are provisionally rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-4 of co-pending Application No. 10/942,685. Applicant respectfully traverses this rejection.

The Applicant hereby submits a Terminal Disclaimer in compliance with 37 CFR 1.321(c) to overcome the non-statutory double patenting rejection made by the Examiner. The owner of both U.S. Serial No. 10/942,685 and the present pending application is Dosmatic USA, Inc. The assignment of U.S. patent application, Serial No. 10/942,685, to Dosmatic USA, Inc. is recorded at Reel No. 015222/Frame No. 0919. The recordation date of the assignment is October 6, 2004.

CONCLUSION

In light of the amendments and the arguments made by Applicant above. Applicant submits that all existing claims are now in condition for allowance. Applicant respectfully request that Examiner withdraw all rejections with regard to the above-referenced claims in reliance on one or more of the grounds submitted by Applicant.

If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact Scott L. Harper or Colin P. Cahoon at 972-367-2001.

The Commissioner is hereby authorized to charge any payments that may be due or credit any overpayments to CARSTENS & CAHOON, L.L.P. Deposit Account 50-0392.

Date: June 7, 2005

Respectfully submitted by:

A handwritten signature in dark ink, appearing to be 'SH', is written over a horizontal line.

Scott L. Harper
Registration No. 45,783
CARSTENS & CAHOON, L.L.P.
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
(972) 367-2002 Fax